

375-3-3-.12**Suspension of License for Failure to Appear. Amended.**

(a) ~~Suspension.~~ The Department shall suspend the driver's license or privilege to operate a motor vehicle in this state of any person who has failed to respond to a citation to appear before a court of competent jurisdiction of this state or of any other state for a traffic violation other than a parking violation. The Department shall forthwith notify such person that his license is to be suspended subject to review as provided for by law. Such suspension shall be effective no more than twenty-eight (28) days from the date on the notice of such suspension sent to such customer. If such customer is not a resident of the State of Georgia, information pertaining to his or her failure to appear shall be sent to his or her state of residence for imposition of the suspension in that jurisdiction as provided in the terms of the Non-Resident Violator Compact or such other interstate agreement or law that applies to such customer.

(b) ~~Appeal.~~ ~~The person so notified may request a hearing within ten (10) days from the date of notice sent by registered mail.~~ Any customer who is notified of a pending suspension for failure to appear may request a hearing before the Office of State Administrative Hearings. The request shall be submitted pursuant to the provisions of Ga. Admin. Comp. Ch. 375-3-3-.04. At the hearing on an appeal from a suspension of a license due to a violator's failure to appear to respond to a citation, the ~~DPS~~ DDS Form 912, when completed by the judge, clerk, or other employee of the court, or electronic submission thereof from such court, shall be conclusive and shall be sufficient to support the suspension. The attendance of the judge, clerk, other employee of the court, or law enforcement officer is not required, and no suspension shall be withdrawn or vacated due to a failure of such official or employee to appear at the administrative hearing.

Authority: O.C.G.A. §§40-5-4, 40-5-56

SYNOPSIS**STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE**

The purpose of this proposed amendment is to modify an existing regulation to clarify the actions to be taken by the Department upon receipt of notice from a court that a customer has failed to appear and respond to a traffic citation.

DIFFERENCES BETWEEN EXISTING AND PROPOSED RULES

An additional sentence is added to Paragraph (a) to clarify the grace period allowed before a suspension is imposed for failure to appear.

The first sentence of paragraph (b) is deleted in its entirety and replaced with a clearer explanation of the hearing process. Additional verbiage is added to clarify that Courts may submit electronic notices of failures to appear and such shall have the same evidentiary weight as a paper submission.